

## REMARKS

This responds to the Office Action dated on August 30, 2007.

Claims 1-4, 7-15, 18, and 19 and withdrawn claims 20-23, 26, 29, 32-35, 38, and 43 are amended, no claims are canceled, and no claims are added; as a result, claims 1-45 are now pending in this application with examination of claims 1-19. The amendments to the claims are fully supported by the specification as originally filed. No new matter is introduced. Applicant respectfully requests reconsideration of the above-identified application in view of the amendments above and the remarks that follow.

Support for the amendments to the claims may be found in the specification, for example, at page 21, lines 16-25.

### §112 Rejection of the Claims

Claims 7-11 and 19 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant traverses these grounds of rejection of these claims.

Applicant amends claim 7 to correct the typographical errors. Applicant submits that claim 8 is appropriately worded. However, to further the prosecution of the instant application, Applicant amends claims 8-10 to further clarify these claims.

As to claims 11 and 19, in the Office Action, it is stated that “[s]ince the specification does not describe a device having more than one LaAlO<sub>3</sub> layer, it will be considered that LaAlO<sub>3</sub> layer referred to in the above limitation is merely referring to the previously defined LaAlO<sub>3</sub>.” Applicant disagrees. The specification in the paragraph at page 24, lines 15-26 discusses an embodiment that includes “both the gate dielectric 440 and the floating gate dielectric 442 can be formed by ALD in accordance with the present invention as described above.”

However, to further the prosecution of the instant application, Applicant amends claims 11 and 19 to further clarify these claims.

Applicant respectfully requests withdrawal of these rejections of claims 7-11 and 19, and reconsideration and allowance of these claims.

§102 Rejection of the Claims

Claims 1, 3, 7-12, 14, 18, and 19 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kaushik et al. (U.S. Patent No. 6,541,280). Applicant traverses these grounds of rejection of these claims.

Applicant reserves the right to swear behind Kaushik et al. (hereafter Kaushik) at a later date.

Applicant cannot find in Kaushik a disclosure, a teaching, or a suggestion of a electronic device including a film having La<sub>2</sub>O<sub>3</sub>, LaAlO<sub>3</sub>, and Al<sub>2</sub>O<sub>3</sub> as recited in amended independent claims 1, 7, or 12. Applicant submits that Kaushik does not teach each and every claim element of each of these independent claims, that Kaushik does not teach the identical invention in as complete detail as is contained in each of these independent claims, and/or that Kaushik does not teach each and every claim element arranged as in each of these independent claims. Thus, Applicant submits that Kaushik does not anticipate claims 1, 7, or 12 and that claims 1, 7, and 12 are patentable over Kaushik. Claim 3, claims 8-11, and claims 14, 18, and 19 depend from claims 1, 7, and 12, respectively, and are patentable over Kaushik for at least the reasons stated herein with respect to claims 1, 7, and 12.

Applicant respectfully requests withdrawal of these rejections of claims 1, 3, 7-12, 14, 18, and 19, and reconsideration and allowance of these claims.

§103 Rejection of the Claims

Claims 4-6 and 15-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaushik et al. (U.S. Patent No. 6,541,280). Applicant traverses these grounds of rejection of these claims.

Claims 4-6 and claims 15-17 depend from claims 1 and 12, respectively. Applicant submits that claims 4-6 and 15-17 are patentable over Kaushik for at least the reasons stated herein with respect to claims 1 and 12.

Applicant respectfully requests withdrawal of these rejections of claims 4-6 and 15-17, and reconsideration and allowance of these claims.

*Allowable Subject Matter*

Claims 2 and 13 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims. Claims 2 and 13 are amended into independent form including all of the limitations of the base claim.

Applicant respectfully requests withdrawal of these objections of claims 2 and 13, and reconsideration and allowance of these claims.

*Withdrawn Claims*

In the Restriction Requirement mailed 29 September 2005, original claims 1-6 were acknowledged as generic to all original species. Withdrawn independent claims 20, 26, 32, and 38 were amended to include the features of claim 13. In the Office Action, claim 13 was determined to be allowable if rewritten into independent form. Claim 13 is amended into independent form including all of the limitations of the base claim. With the allowance of claim 13, Applicant respectfully requests the rejoinder and allowance of claims 20-45. *See M.P.E.P. 809 and 821.04.*

*Reservation of Rights*

Applicant does not agree with one or more comments in the instant Office Action. However, Applicant has limited the discussion of the traversal of the Office Action rejections to such discussion as is necessary to efficiently expedite the prosecution of the abovementioned application. Applicant reserves the right to further address the comments of the Examiner at a later date if necessary.

### CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2157 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 371-2157

Date 30 November 2007

By

  
David R. Cochran  
Reg. No. 46,632

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 30 day of November 2007.

  
Name

  
Signature